

TOWN PLANNING BOARD

**Minutes of 339th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 1.12.2006**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Professor Peter R. Hills

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Chief Engineer/Traffic Engineering (New Territories East),
Transport Department
Mr. H.L. Cheng

Principle Environmental Protection Officer (Strategic Assessment)
Environmental Protection Department
Mr. H.M. Wong

Assistant Director/New Territories, Lands Department
Ms. Eugina Fok

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Ms. Carmen K.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. Y.K. Cheng

Dr. James C. W. Lau

Assistant Director (2), Home Affairs Department
Ms. Margaret Hsia

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Ms. Paulina L.S. Pun

Agenda Item 1

Confirmation of the Draft Minutes of the 338th RNTPC Meeting held on 17.11.2006

[Open Meeting]

1. The draft minutes of the 338th RNTPC meeting held on 17.11.2006 were confirmed without amendments.

[Professor Nora F.Y. Tam and Mr. H.M. Wong arrived to join the meeting at this point.]

Agenda Item 2

Matters Arising

- (i) New Judicial Review Received

HCAL 12/2006

Judicial Review of the Town Planning Board's Decision

with Respect to an Objection to the Draft Clear Water Bay Peninsula North

Outline Zoning Plan (OZP) No. S/SK-CWBN/1

2. The Secretary reported that an application for leave for judicial review (JR) had been filed against the Town Planning Board (the Board)'s decision of not upholding the Applicant's objection against the "Conservation Area" ("CA") zoning of its lots in DD 227 on the draft Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/1. Leave for JR was granted by the High Court on 8.11.2006. An information note had been forwarded to Members before the meeting. The grounds of JR included, inter alia procedural unfairness, abdication of its decision-making responsibility; the Board acted ultra virus; and legitimate expectation. The Secretary would represent the Board on all matters relating to the JR in the usual manner and Members would be kept informed of the progress of the JR.

- (ii) Town Planning Appeal Abandoned

Town Planning Appeal No. 9 of 2006 (9/06)

Shop and Services in "Other Specified Uses" annotated "Business",

Unit P, G/F., Everest Industrial Centre,
396 Kwun Tong Road, Kwun Tong
(Application No. A/K14/488)

3. The Secretary continued to say that an appeal was received by the Town Planning Appeal Board (TPAB) on 22.5.2006 against the decision of the Board to reject on review an application (No. A/K14/488) for shop and services at a site zoned “Other Specified Uses” annotated “Business” on the Kwun Tong South OZP. On 24.11.2006, the appeal was abandoned by the appellant of his own accord. On 27.11.2006, the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(iii) Appeal Statistics

4. The Secretary said that as at 1.12.2006, 28 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	17
Dismissed	:	87
Abandoned/Withdrawn/Invalid	:	120
Yet to be Heard	:	28
Decision Outstanding	:	4
Total	:	256

Tuen Mun and Yuen Long District

[Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. Wilson W.S. Chan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (ii) A/YL-HT/469 Temporary Centre for Inspection of New Vehicles and Office for a Period of 3 Years
in “Residential (Group D)” and “Recreation” zones,
Lots 4(Part), 5(Part), 6(Part) and 7(Part) in DD 124,
Lots 1498BRP(Part), 1527RP, 1528RP and 1529RP in
DD 125 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/469)
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7. Mr. Wilson W.S. Chan, STP/TMYL, referred Members to Appendices III and IV of the Paper and clarified that the heading of the last column in both tables should read “Rejection Reasons”.

Presentation and Question Session

8. Mr. Wilson W.S. Chan then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary centre for inspection of new vehicles and office for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance from the applied use was expected. The Transport Department had also raised concern that the approval of the application would set an undesirable precedent. The Drainage Services Department advised that there was insufficient information to demonstrate that the applied use would not cause adverse drainage impact on the surrounding area. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period

and no local objection was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 12.3 of the Paper. The proposal was not in line with the planning intention of the “Residential (Group D)” zone and there was no strong justification for a departure from such intention. Two previous applications (No. A/YL-HT/423 and A/YL-HT/433) submitted by the same applicant for similar uses were rejected and there had not been any change in planning circumstances to merit a departure from the Committee's decisions. The application site fell within Category 2 areas under the Town Planning Board Guidelines for Application for Open Storages and Port Back-up Uses, and the applied use did not comply with the Guidelines since there were adverse comments from Government departments. There was insufficient information to demonstrate that the applied use would not result in adverse environmental, traffic and drainage impacts on the surrounding areas. The approval of the application would set an undesirable precedent.

- 9. Members had no question on the application.

Deliberation Session

- 10. The Chairperson remarked that the application did not meet the relevant Town Planning Board Guidelines.

- 11. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. No strong

justification had been given in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the development was not in line with the Town Planning Board Guidelines for Application for Open Storages and Port Back-up Uses in that there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic and drainage impacts on the surrounding area; and
- (c) the approval of the application would set an undesirable precedent for similar applications within “R(D)” zone.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/YL-KTN/263 Proposed Temporary Open Storage of Building Materials and Vehicle Parts for a Period of 3 Years in “Agriculture” zone, Lots 375CRP(Part), 376(Part), 377ARP, 377BRP, 377CRP, 378RP, 379RP, 380(Part), 381RP, 382, 383, 384(Part) and 412 in DD 110, Tsat Sing Kong, Yuen Long (RNTPC Paper No. A/YL-KTN/263)
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Presentation and Question Session

12. The Committee noted that the applicant requested on 10.11.2006 for a deferment of the consideration of the application to allow more time to resolve concerns of Government departments.

Deliberation Session

13. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional

information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Dr. C.N. Ng arrived to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-KTN/264 Temporary Open Storage of Private Vehicles for Re-export
for a Period of 3 Years
in “Village Type Development” zone,
Lots 511A, 512A, 513, 515RP and 517B in DD 109 and
Adjoining Government Land, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/264)
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Presentation and Question Session

14. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary open storage of private vehicles for re-export for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper. According to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses, the application site was within Category 4 areas. The intention was to encourage the phasing out of such

non-conforming uses. Two previous applications (No. A/YL-KTN/191 and A/YL-KTN/225) concerning the application site were approved to provide time for the applicant to relocate the operation to other suitable locations. However, there was no sufficient information in the current application to demonstrate that genuine effort had been taken for relocation. The continual open storage operation at the application site would frustrate the planning intention of the “Village Type Development” (“V”) zone which was intended for Small House development. Six other applications for similar uses near the application site within the “V” zone were all rejected.

15. In response to the Chairperson’s enquiry, Mr. Wilson Y.L. So, DPO/TMYL, said that it had been clearly stated in the approval letters of the two previous applications to the applicant that the one-year permissions were granted to provide time for relocation of the operation to other suitable locations.

Deliberation Session

16. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the site fell within the Category 4 areas and the intention was to encourage the phasing out of non-conforming uses as early as possible; and
- (b) the continual occupation of the site for temporary open storage use was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing and recognized villages and areas of land considered suitable for village expansion. There was insufficient information in the submission to demonstrate that relocation to alternative sites could not be made.

Presentation and Question Session

20. Mr. Wilson W.S. Chan then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary open storage of private vehicles and vehicle parts for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive receivers including residential dwellings in the vicinity of the application site and environmental nuisance from the applied use was expected. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper. The applied use was in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there were previous approvals granted to the application site for the same use. Drainage and landscape proposals were submitted in the current application and sympathetic consideration could be given as the applicant had demonstrated effort in complying with the conditions. While the last approved application (No. A/YL-KTN/240) was revoked due to non-compliance of approval condition relating to the provision of fire extinguishers, the applicant claimed that the facilities were subsequently provided. Although the EPD did not support the application, the scale of development was small and no local objection was received. An approval condition requiring that no vehicle repairing and workshop activities should be carried out was recommended to address the environmental concern. A

shorter compliance period was also recommended to monitor the fulfilment of the suggested approval condition (f).

21. Members had no question on the application.

Deliberation Session

22. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.12.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the southern boundary of the application site by 25m from Kam Tin Road, as proposed by the applicant, at any time during the planning approval period;
- (b) no vehicle repairing and workshop activities should be carried out on the site at any time during the approval period;
- (c) no heavy goods vehicles or container vehicles should be parked/stored on the site at any time during the approval period;
- (d) the existing trees should be preserved and the landscaping planting on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities on the application site should be maintained as under Application No.A/YL-KTN/240 at all times during the planning approval period;
- (f) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container site offices within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.3.2007;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (e) was not

complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (h) if the above planning condition (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

23. The Committee also agreed to advise the applicant to :

- (a) note that a shorter compliance period was granted to monitor the fulfilment of approval conditions;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comment that the applicants should apply for relaxing the built-over area in respect of the Short Term Waiver No.2461;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department's comment that access proposal of the application should be submitted to the Transport Department (TD) for agreement. If TD agreed, a run-in should be constructed at the access point in accordance with the latest version of Highways Department Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath;
- (d) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize any possible environmental nuisances;
- (e) note the Director of Fire Services' comment that if vehicle repair workshop

in which activities involving storage/use of Dangerous Goods would be included, the applicant/operator of the subject site should be advised to approach the Dangerous Goods Division for advice on licensing of the premises for the above purpose where necessary;

- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all unauthorised building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (g) note the Director of Electrical and Mechanical Services' comments that the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the overhead lines, the applicant and/or his contractors should consult CLP Power Hong Kong Limited (CLPP) and, if necessary, ask CLPP to divert the overhead lines away from the vicinity of the proposed house.

[Open Meeting (Presentation and Question Session only)]

- (vii) A/YL-PH/530 Temporary Open Storage of Private Cars for Re-export for a Period of 3 Years in "Village Type Development" zone, Lots 95(Part), 96A, 96B(Part), 96RP(Part), 97A, 97B, 97RP, 98A, 98B, 98C, 98D and 98RP in DD 111, and Adjoining Government Land, Shui Kan Shek, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/530)
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Presentation and Question Session

24. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary open storage of private cars for re-export for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in close vicinity to the application site and environmental nuisance from the applied use was expected. The Drainage Services Department considered that a drainage proposal should be submitted to support the application. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper. The applied use was not in line with the planning intention of the “Village Type Development” zone. It did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there was no previous approval and there were no exceptional circumstances to merit approval. It was not compatible with the nearby village houses and EPD did not support the application. There was no information to demonstrate that the applied use would not impose adverse environmental and drainage impacts on the surrounding area and no alternative site could be identified. Approval of the application would set an undesirable precedent.

25. Members had no question on the application.

Deliberation Session

26. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there was no previous approval on the site, the applied use was not compatible with the nearby village houses, there were adverse comments received from relevant Government departments and there were no exceptional circumstances to merit approval;
- (c) there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding area; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate into the area. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Session only)]

- (viii) A/YL-PS/255 Renewal of Planning Approval for Temporary Open Storage of New Vehicles (Cars, Taxis and Light Vans only) under Application No. A/YL-PS/167 for a Period of 3 Years in “Recreation” zone until 1.12.2009, Lots 89, 90, 91RP, 92RP, 93 to 105, 106(Part), 107 to 109, 110(Part), 111, 112(Part), 113, 202RP(Part), 203(Part), 204(Part), 205(Part), 206(Part), 207 to 210, 214, 217 to 220, 221(Part), 224(Part), 226(Part), 227(Part), 228 to 230, 231(Part), 233(Part), 234(Part), 235(Part), 236 to 240, 241(Part), 295(Part), 296, 297, 298A to D, 298RP, 299, 300, 301(Part), 302(Part), 303 to 306, 312 to 314, 316(Part), 317(Part) and 318 in DD 126 and Adjoining Government Land, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/255)
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Presentation and Question Session

27. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed renewal of planning approval for temporary open storage of new vehicles (cars, taxis and light vans only) for a period of 3 years until 1.12.2009;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments objecting to the application were received during the statutory publication period. One public comment suggested a number of restrictions in terms of the site area involved, types of vehicles to be

parked, operation hours, more compensatory planting, and vehicular route to the site. The other comment objected to the application mainly on the grounds that the applied use was not in line with the planning intention of the “Recreation” (“REC”) zone and adverse impacts on nearby residential developments; and

- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper. Three previous applications for the same use on basically the same site were approved before and there had been no material change in planning circumstances. The temporary nature of the applied use would not frustrate the planning intention of the “REC” zone. Genuine effort had been made by the applicant to comply with the approval conditions of the previous applications. Concerned Government departments had no objection to the application. Appropriate approval conditions were recommended to address the local objections.

28. Members had no question on the application.

Deliberation Session

29. The Chairperson said that there were previous approvals for the same use and all conditions of previous approvals were complied with.

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.12.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 9:30 a.m., as proposed by the applicant, should be carried out on the site during the planning approval period;
- (b) no repair, car washing and workshop activities should be carried out on the site at any time during the planning approval period;

- (c) no vehicles other than new private cars, taxis and light vans should be stored on the site at any time during the planning approval period;
- (d) the route for delivering vehicles to and from the site via Tin Wah Road, as proposed by the applicant, should be adhered to at all times during the planning approval period;
- (e) the existing landscape planting on the site including the replacement of any dead trees should be maintained at all times during the approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the approval period;
- (g) the submission of the condition record of the existing drainage facilities on site as previously implemented on site under planning application No. A/YL-PS/106 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2007;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if the above planning condition (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

31. The Committee agreed that the applicant should be reminded that the permission was given to the use/development under application. It did not condone any other

use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission.

32. The Committee also agreed to advise the applicant to :

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant approach his office to apply for Short Term Tenancy (STT) and Short Term Waiver (STW) to regularize the unauthorized structures on site and occupation of Government land. Otherwise, his office would consider appropriate enforcement/control action against the occupier/owner. However, there was no guarantee that the application for STT/STW would ultimately be approved.
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments on the clarification of the land status, management and maintenance responsibilities of the road/path/track leading to the site;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). Formal submission of any proposed new work, including any temporary structure for approval under the BO was required;
- (e) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department; and
- (f) note the Chief Engineer/Development (2), Water Supplies Department's comments that existing water mains would be affected and a waterworks reserve within 1.5m from the centreline of the water mains should be

provided to his department.

[Open Meeting (Presentation and Question Session only)]

- (ix) A/YL-PS/256 Proposed Temporary Public Vehicle Park for Private Car, Light Goods Vehicle and Lorry for a Period of 3 Years in “Village Type Development” and “Residential (Group E)2” zones, Lot 592, 593 and 618 in DD 122, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/256)
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Presentation and Question Session

33. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private car, light goods vehicle and lorry for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the application and environmental nuisance from the proposed use was expected. The Transport Department (TD) raised concern that the approval of the application might set an undesirable precedent inducing adverse cumulative traffic impact on the nearby road network. The Drainage Services Department considered that a revised drainage proposal was required. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD did not support the

application for the reasons detailed in paragraph 11.1 of the Paper. The proposed parking of lorries was not compatible with the surrounding residential developments and EPD did not support the application. An existing public vehicle park to the immediate south of the application site had been approved under application No. A/YL-PS/239 submitted by the same applicant. The approval of the current application would mean an extension of the existing vehicle park. The TD raised concerns on the possible adverse cumulative traffic impact on the local road network. There was insufficient information that the proposed use would not generate adverse environmental, traffic and drainage impacts on the surrounding area.

34. Members had no question on the application.

Deliberation Session

35. The Chairperson remarked that there was already an existing vehicle park nearby. Residential developments were also found near the application site and the use under application would generate adverse impacts.

36. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not compatible with the adjacent residential structures;
and
- (b) there was insufficient information to demonstrate that the development would not impose adverse environmental, traffic and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (x) A/YL-ST/324 Temporary Public Car Park with Ancillary Office
for a Period of 3 Years
in “Undetermined” zone,
Lots 252RP, 253(Part), 254(Part), 258RP(Part), 266(Part)
and 270 in DD 99, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/324)
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37. The Secretary said that the application was submitted by Top Bright Consultants Ltd. (Top Bright) on behalf of the applicant. Dr. James C.W. Lau, having current business dealings with Top Bright, declared an interest in this item. The Committee noted that Dr. Lau had sent his apologies for being unable to attend the meeting.

Presentation and Question Session

38. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary public car park with ancillary office for a period of 3 years;
- (c) departmental comments – highlighting that the Transport Department (TD) did not support the application as it was anticipated that the development would generate substantial traffic resulting in congestion on Lok Ma Chau Road after commissioning of the Lok Ma Chau Spur Line (Spur Line). Also, the Commissioner of Police (C of P) did not support the application as the development would affect the operation of the Spur Line Public Transport Interchange. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper. The application site fell outside the project boundary of the Spur Line and sympathetic consideration could be given for temporary use of the application site in the interim. The applied use was not expected to generate significant landscape, drainage and environmental impacts on the surrounding areas. It was not incompatible with the surrounding uses and previous applications for similar use had been approved. In order to address the TD's and C of P's concerns, a shorter approval period of 8 months was recommended.

39. In response to the Chairperson's enquiry, Mr. Wilson Y.L. So, DPO/TMYL, said that while the applied use was considered not incompatible with the surrounding uses, the TD and C of P considered it undesirable to have more traffic on Lok Ma Chau Road. The approval period of 8 months until 1.8.2007 would tie in with that of a similar application (No. A/YL-ST/316) recently approved by the Committee on 4.8.2006 for 12 months until 4.8.2007.

Deliberation Session

40. A Member said that the capacity of Lok Ma Chau Road was of concern and the Environmental Impact Assessment of the Spur Line had not taken into account the traffic impact of such temporary uses in the area. The recommendation of a short approval period was reasonable.

41. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 8 months, until 1.8.2007, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site;
- (b) only private cars, taxis, light vans and motorcycles were allowed to be parked on the site;

- (c) no car washing and vehicle repair workshop were allowed on the site;
- (d) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (e) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.3.2007;
- (f) in relation to (e) above, the implementation of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.6.2007;
- (g) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/251 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2007;
- (h) the submission of a proper run-in proposal for the site within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 1.3.2007;
- (i) in relation to (h) above, the provision of a proper run-in within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 1.6.2007;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should

cease to have effect and should on the same date be revoked without further notice; and

- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

42. The Committee also agreed to advise the applicant to :

- (a) note that a shorter approval period and compliance periods were granted so as to avoid additional traffic loading on Lok Ma Chau Road upon opening of the Lok Ma Chau Spur Line Public Transport Interchange in future and to closely monitor the compliance of approval conditions imposed;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his office;
- (d) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) note the Chief Engineer/Mainland North, Drainage Services Department's advice that no public sewerage maintained by his Department was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's advice that his office was not responsible for the maintenance

of any existing vehicular access connecting the site and Lok Ma Chau Road;

- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the unauthorized structures on site should be removed as they were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning any structures existing on site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices or storage were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposal new works, including any temporary structure, for approval under the BO was required. If the site was not abutting on or accessible from a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage; and

- (h) note the Chief Engineer/Development (2), Water Supplies Department's advice that existing water mains would be affected. The applicant should bear the cost of any diversion works affected by the proposed development. In case it was not feasible to divert the existing water mains, a waterworks reserve within 1.5 m from the centerline of the water mains should be provided to his department. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority (WA) and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the WA might require or authorize. The Government should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site.

[Open Meeting (Presentation and Question Session only)]

- (xi) A/YL-ST/325 Temporary Concrete Pump Vehicle Repair Workshop and Storage of Ancillary Machinery for a Period of 3 Years in “Undetermined” zone, Lots 205(Part), 206(Part) and 207RP(Part) in DD 99, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/325)
-

Presentation and Question Session

43. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary concrete pump vehicle repair workshop and storage of ancillary machinery for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance from the applied use was expected. Also, the Commissioner of Police (C of P) did not support the application as additional traffic caused by the applied use would affect the operation of the Lok Ma Chau Spur Line (Spur Line). The Transport Department (TD) raised concerns on the peak traffic generated by the applied use. The Drainage Services Department considered that there was insufficient information to demonstrate that the applied use would not have adverse drainage impacts on the surrounding area. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 12.1 of the Paper. The applied use was not compatible with the surrounding land uses and EPD raised objection to the application. The C of P did not support the application on traffic ground and the TD also raised concerns on the peak traffic flow generated. There was no information to demonstrate that the applied use would not generate adverse traffic, drainage and environmental impacts on the surrounding areas.

44. Members had no question on the application.

Deliberation Session

45. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not compatible with the surrounding land uses which were predominantly residential uses; and
- (b) there was no information in the submission to demonstrate that the development would not have adverse traffic, environmental and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (xii) A/YL-TYST/335 Temporary Warehouse for Storage of Glass and Paper for a Period of 3 Years in “Undetermined” zone, Lots 1883(Part), 1884(Part), 1885(Part) and 1879A and B(Part) in DD 117, Pak Sha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/335)
-

Presentation and Question Session

46. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary warehouse for storage of glass and paper for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

47. Members had no question on the application.

Deliberation Session

48. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.12.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11 p.m. and 7 a.m. was allowed on the site during the planning approval period;
- (b) no operation was allowed on Sunday or public holidays during the planning approval period;
- (c) no open storage, repairing, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the

site at any time during the planning approval period;

- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.6.2007;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.9.2007;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.6.2007;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.9.2007;
- (i) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.6.2007;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

49. The Committee also agreed to advise the applicant to :

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. The landowners concerned should apply for Short Term Waivers (STWs) to regularize the irregularities on the site. Should no STW application be received/approved, and the irregularities persist on the site, his office would consider taking appropriate lease enforcement action against the registered owners;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should also be consulted accordingly;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the access track between the site and Kung Um Road;
- (e) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and

- (g) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

[Open Meeting (Presentation and Question Session only)]

- (xiii) A/YL-TYST/336 Proposed Temporary Warehouses for Storage of Construction Materials for a Period of 3 Years in "Residential (Group C)" and "Village Type Development" zones, Lots 1803 and 1807RP in DD 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/336)
-

Presentation and Question Session

50. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary warehouses for storage of construction materials for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance from the proposed use was expected. The Transport Department (TD) was concerned that the approval of the current application would set an

undesirable precedent inducing adverse cumulative traffic impact on the nearby road network. The Drainage Services Department advised that the application site was not served by any public stormwater drain and there was insufficient information to demonstrate that the proposed use would not generate adverse drainage impact. No objection from other concerned Government departments was received;

- (d) one public comment objecting to the application was received during the statutory publication period. The grounds of objection were traffic congestion and environmental pollution; and
- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper. The proposed development was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) and “Village Type Development” (“V”) zones. It was not compatible with the surrounding residential developments and EPD did not support the application. There was insufficient information to demonstrate that the proposed development would not impose adverse environmental, traffic and drainage impacts on the surrounding areas. Approval of the application would set an undesirable precedent.

51. In response to a Member's enquiry, Mr. Wilson Y.L. So, DPO/TMYL, said that a similar application No. A/YL-TYST/285 was approved on review by the Town Planning Board in October 2005 on the consideration that there was a genuine demand for warehouse uses in the area and the conversion of pigsties and chicken sheds would bring environmental improvement to the area. There had also been a previous approval under application No. A/YL-TYST/169 based on similar reasons. Unlike the current application site, the site of application No. A/YL-TYST/285 had a different vehicular access and there were no sensitive uses around.

52. In response to another Member's enquiry, Mr. Wilson Y.L. So said that application No. A/YL-TYST/335 just considered by the Committee at the same meeting was not in the vicinity of the current application site. The Secretary supplemented that the

zonings involved in the two applications were different. The application site under Application No. A/YL-TYST/335 was zoned “Undetermined” and that of the current application was partly zoned “R(C)” and partly zoned “V”.

Deliberation Session

53. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intentions of the “Residential (Group C)” and “Village Type Development” (“V”) zones which were intended primarily for low-rise, low-density residential developments, and to designate both existing recognized villages and areas of land considered suitable for village expansion respectively. Land within the “V” zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. No strong justification had been given in the submission to justify for a departure from the planning intentions, even on a temporary basis;
- (b) the proposed development was not compatible with the nearby residential dwellings;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse environmental, drainage and traffic impacts on the surrounding area; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[The Chairperson thanked Mr. Wilson Y.L. So, DPO/TMYL, and Mr. Wilson W.S. Chan, STP/TMYL, for their attendance to answer Members' enquiries. Messrs. So and Chan left the meeting at this point.]

Sai Kung and Islands District

[Mr. Michael C.F. Chan, District Planning Officer/Sai Kung and Islands (DPO/SKIs), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/I-CC/3 House (Redevelopment) with Shop and Services on
Ground Floor
in "Village Type Development" zone,
Lot 195D6(Part) in DD Cheung Chau
and Adjoining Government Land, Cheung Chau
(RNTPC Paper No. A/I-CC/3)
-

54. The Secretary said that the application was submitted with Top Bright Consultants Ltd. (Top Bright) being one of the applicant's consultants. Dr. James C.W. Lau, having current business dealings with Top Bright, declared an interest in this item. The Committee noted that Dr. Lau had sent his apologies for being unable to attend the meeting.

Presentation and Question Session

55. Mr. Michael C.F. Chan, DPO/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed house (redevelopment) with shop and services use on the ground floor;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

56. In response to a Member's enquiry, Mr. Michael C.F. Chan clarified that the height of the existing building ranged from 12.31m to 12.87m, while the height of the proposed house upon redevelopment would be 12m.

Deliberation Session

57. The Chairperson said that the proposed redevelopment would resemble other typical developments in Cheung Chau.

58. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.12.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition on the submission of the layout plan showing the disposition and configuration of the redeveloped building to the satisfaction of the Director of Planning or of the TPB.

59. The Committee also agreed to advise the applicant to apply to the District Lands Officer/Islands, Lands Department for land exchange as Government land adjacent to his lot would be affected.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/SK-HC/133 Temporary Film Studio for a Period of 5 Years
in “Recreation” and “Green Belt” zones,
Lots 289A, 289RP, 295 and 299 in DD 247,
Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/133)
-

Presentation and Question Session

60. Mr. Michael C.F. Chan, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary film studio use for a period of 5 years;
- (c) departmental comments – highlighting that the Transport Department had reservation on the application. The Environmental Protection Department (EDP) raised concern that the special effect display and outdoor shooting activities, especially during the late hours, would create environmental nuisances to the nearby residents. No information was submitted to demonstrate how such nuisances could be avoided or mitigated. No objection from other concerned Government departments was received;
- (d) 34 public comments objecting to the application were received during the statutory publication period. The grounds of objection were mainly traffic congestion and noise nuisance. One local objection was also received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD did not support the application for the reasons detailed in paragraph 10.3 of the Paper. The access road leading to the application site was substandard and was not suitable for passage of large filming vehicles. The TD had reservation on the application. There was insufficient information to demonstrate that the applied use would not cause noise nuisances to the nearby residents.

Moreover, conditions under previous planning approvals were not fully complied with. There were strong local objections on grounds of adverse traffic and noise impacts.

61. Members had no question on the application.

Deliberation Session

62. The Chairperson said that the last previous application (No. A/SK-HC/121) involving the application site for the same use was approved by the Board on review on 16.9.2005. Yet, the applicant had not complied with the planning conditions within the specified time period and the planning permission was subsequently revoked. The outdoor shooting activities would likely cause nuisances to nearby residents and there were local objections.

63. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the access road leading to the proposed site was substandard and Ho Chung Road was narrow and winding. There was insufficient information in the submission to demonstrate that the proposal would not result in adverse traffic impact and road safety problem on the local access road; and
- (b) there was insufficient information in the submission to demonstrate that the proposed development and associated activities would not cause noise nuisances to the nearby residents.

[Open Meeting (Presentation and Question Session only)]

(iii) A/SK-HC/134 Proposed New Territories Exempted House
(NTEH) (Small House)
in "Agriculture" zone,
Lots 448 and 449A in DD 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/134)

- (iv) A/SK-HC/135 Proposed Two New Territories Exempted Houses (NTEHs) (Small Houses) in “Agriculture” zone, Lots 485A and 485B in DD 244, Ho Chung, Sai Kung (RNTPC Paper No. A/SK-HC/135)
-

64. Noting that the two applications (No. A/SK-HC/134 and A/SK-HC/135) were similar in nature and the application sites were located within the same “Agriculture” zone, the Committee agreed that the applications be considered together.

Presentation and Question Session

65. Mr. Michael C.F. Chan, STP/SKIs, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed New Territories Exempted Houses (NTEHs) (Small Houses);
- (c) departmental comments – highlighting that the Agriculture, Fisheries and Conservation Department (AFCD) did not favour the applications as the application sites were within the Ho Chung Valley, which was an area of major good quality agricultural land that could be rehabilitated for agricultural purposes. The Transport Department (TD) had reservation on the applications and considered approval of the applications would set undesirable precedents and might cause adverse traffic impact on the local road network. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD did not support the

applications for the reasons detailed in paragraph 11.2 of the Papers. The applicants were indigenous villagers of Tai Wan and the current applications at Ho Chung Village were cross-village applications. The applicants had not demonstrated that land was not available within the “Village Type Development” zone of their own village and other villages in the Sha Kok Mei area. The AFCD and TD had reservation on the applications.

66. In response to a Member’s enquiry, Mr. Michael C.F. Chan confirmed that all applicants of other similar applications previously approved in the area were indigenous villagers from Ho Chung Village.

Deliberation Session

67. After deliberation, the Committee decided to reject the applications and the reasons for each of the applications were :

- (a) the proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which was primarily to retain and safeguard good quality agricultural land for agricultural purposes and to retain fallow arable land with potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the submission for a departure from the planning intention;
- (b) the applicant was an indigenous villager of Tai Wan in Sha Kok Mei and the subject application was cross-village application. The applicant had not demonstrated that land was not available within the “Village Type Development” zones of his own village and other villages in Sha Kok Mei; and
- (c) the cumulative impacts of approving Small House developments in “AGR” zone might have adverse traffic impact on the local road network and the rural landscape.

[The Chairperson thanked Mr. Michael C.F. Chan, DPO/SKIs, for his attendance to answer Members' enquiries. Mr. Chan left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 5

Section 12A Applications

[Open Meeting (Presentation and Question Session only)]

- (i) Y/NE-TK/1 Application for Amendment to
Draft Ting Kok Outline Zoning Plan No. S/NE-TK/11,
from "Agriculture" and "Green Belt"
to "Other Specified Uses (Spa Resort Hotel)",
Various Lots in DD 17 and Adjoining Government Land,
West of Lo Tsz Tin Village, Ting Kok, Tai Po
(RNTPC Paper No. Y/NE-TK/1)
-

68. The Secretary said that the application was submitted with Hyder Consulting Ltd. (Hyder) being one of the applicant's consultants. Dr. James C.W. Lau, having current business dealings with Hyder, declared an interest in this item. The Committee noted that Dr. Lau had sent his apologies for being unable to attend the meeting.

Presentation and Question Session

[The hearing was conducted in English and Cantonese.]

69. Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Mr. W.W. Chan, Senior Town Planner/ Shan Tin, Tai Po and North (STP/STN), and the following applicant's representatives were invited to the meeting at this point :

Mr. Kenneth To

Mr. Aaron Tan

Mr. M.Y. Wan
Mr. Frankie Cheng
Ms. Mable Lam
Ms. Kitty Wong
Mr. Ulrich Kirchhoff

70. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited the Planning Department (PlanD)'s representatives to brief Members on the background to the application.

71. Mr. W.W. Chan referred Members to Plan Z-1 of the Paper and said that the current application involved a proposal to rezone the application site from "Agriculture" and "Green Belt" to "Other Specified Uses" annotated "Spa Resort Hotel" ("OU(Spa Report Hotel)") on the Ting Kok Outline Zoning Plan (OZP). He covered the following main aspects as detailed in the Paper :

- (a) the applicant's proposal for a spa hotel development was detailed in paragraph 1 of the Paper. According to the indicative scheme submitted by the applicant, the proposed development would range from 3 to 5 storeys with an overall plot ratio of 1.07. The applicant also proposed a set of Notes for the new "OU(Spa Resort Hotel)" zone as detailed in Table 1 of the Paper. The application site was proposed to be divided into sub-areas A, B and C with building heights not exceeding 7, 5 and 3 storeys above ground respectively. The maximum plot ratio (PR) as set out in the proposed Notes was 1.2;
- (b) the applicant owned about 71.4% of land within the application site. While it was the applicant's intention to acquire the remaining private lots, the applicant claimed that the proposed development could still be implemented solely on the applicant's lots;
- (c) the applicant's justifications in support of the application were detailed in paragraph 2 of the Paper, mainly that Hong Kong had the need for spa resort facilities; the application site was an appropriate location; there

would not be adverse traffic, environmental, drainage and sewerage impacts; and compatibility of the proposed development in terms of density and building height with the surrounding area;

- (d) departmental comments were detailed in paragraph 8 of the Paper. The Agriculture, Fisheries and Conservation Department (AFCD) did not favour the application as there were existing active agricultural activities in form of a plant nursery at the site. However, the Commissioner for Tourism (C for Tourism) supported the proposal as the application site was located within the geographic scope of the pilot project under the Northern New Territories Green Tourism Development Programme (NTT Programme) and there was a lack of similar accommodation for visitors within the pilot project's area. Other concerned Government departments had no objection to or no adverse comment on the application;
- (e) 13 public comments objecting to the proposal were received during the statutory publication periods of the application and further information. The grounds of objection were mainly related to lack of local consultation, adverse traffic, environmental, drainage, ecological and visual impacts, adverse impact on fung shui, incompatibility building height with surrounding areas, and reduction of land for Small House development. Objections from local parties on similar grounds were also received by the District Officer. Nonetheless, when the Tai Po Rural Committee (TPRC) was briefed of the proposal, the TPRC members in general had no adverse comments on the proposed development; and
- (f) the PlanD's views – the PlanD did not support the application for the reasons detailed in paragraph 10.1. of the Paper. AFCD did not favour the application from agricultural development point of view as agricultural activity at the site was quite active and it could be maintained for agricultural uses. The site was also well-vegetated with mature trees and the current zonings of the site as “AGR” and “GB” were considered appropriate. The proposed development was considered to be incompatible in terms of scale, intensity height and site coverage with the

developments in the surrounding areas. Also, the tree survey provided insufficient information to fully assess the impact of the proposed development on the valuable landscape resources of the site.

72. The Chairperson then invited the applicant's representatives to elaborate on the application.

73. With the aid of a Powerpoint presentation, Mr. Kenneth To said that since 2000, the Tourism Commission (TC) had set out the policy objective to broaden the range of tourism products in Hong Kong. In 2002, the TC commissioned the NNT Programme identifying the Plover Cove and Tolo Harbour as one of the study areas. Subsequently in 2004, the TC commissioned the Consultancy Study on the Development of Spa and Resort Facilities (Spa Study) which had established lists of criteria on the design and location of such spa resort facilities. Three sites on Government land, namely the former High Island Detention Camp, Cheung Sha Beach and Tai A Chau, had been identified as case studies for more detailed assessment. However, all three sites were problematic in terms of land use compatibility, accessibility, and/or infrastructure requirement. No privately owned sites had been included in the study.

74. Mr. Kenneth To said that the application site at Ting Kok, with a site area of 33,141m², was partly zoned "AGR" and partly zoned "GB". It was surrounded by the Soka Gakkai Centre, a Japanese religious-recreation centre, to the north; existing villages on both the eastern and western sides; and the Tolo Harbour to the south. The applicant owned about 71.4% of the land, while the remainder involved Government land (13.1%) and private lots owned by third parties (15.5%). Compared with the three sites identified in the Spa Study, the application site was more appropriate for a spa resort hotel in that it was easily accessible, and with infrastructure available. It was in a tranquil and scenic natural setting ideal for such development. It was also in the midst of a recreational hub in the Northern New Territories, which comprised various recreational nodes including Pat Sin Leng Country Park, Double Haven (Yan Chau Tong), Shuen Wan, Yim Tin Tsai and Tai Mei Tuk. The applicant's proposal was in line with the Government's broad tourism policy objectives. The proposed scheme would be developed as a local tourist point by local investment. It would strengthen the local economy and bring general economic benefits to Hong Kong.

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

75. Mr. Aaron Tan then presented the design concept of the proposed spa resort as detailed in Appendix Ib of the Paper. He made the following main points :

- (a) Hong Kong needed a local resort to diversify the type of tourism attractions and for people to seek relief from stress without extensive travelling outside the territory;
- (b) while more than half of the outbound trips of Hong Kong residents in 2004 were destined for the South East Asian cities and probably many of them to spa facilities, there was no resort spa in Hong Kong. The market in Hong Kong and China was yet to be developed with high potential for growth;
- (c) the proposed spa destination-resort under application offered a holistic and complete wellness experience and amenities not found in the city's day spas. Situated in a scenic and mountainous spot in Ting Kok, the proposed resort hotel would be an appealing urban getaway offering prestigious and luxurious spa services similar to the European spa type and additional programmes including gourmet village, organic farming and retail, and eco experience. The proposed services would incorporate a fusion character distinct in Hong Kong. It would be distinguished from the spa resorts in other South East Asian cities;
- (d) the applicant owned about 71% of the land within the application site and about 15% involved private lots owned by third parties. Based on such consideration, the conceptual layout plan designated the applicant's land for hotel and villa, spa, and commercial uses. The Government land would be used for landscaping. The third party land would not be disturbed but access would be allowed. A buffer area between the proposed resort development and the Government land and third party land would be reserved for landscaping;

[Ms. Anna S.Y. Kwong returned to joint the meeting at this point.]

- (e) it was the intention of the applicant to acquire more private land. Nonetheless, the proposed gross floor area (GFA) of the development would not be increased; and
- (f) the proposed building height of 7 storeys under the original design was set to complement the topography of the site. It was subsequently modified in that building heights were reduced to 2 storeys for the villas, 3 storeys for the commercial blocks and 5 storeys for the hotel. The development with the proposed building heights and massing would be comparable to the recreational centre at the back and well-integrated with the environment.

76. Mr. Kenneth To said that the development would provide 204 hotel rooms, and the total GFA of the development would be about 35,469m². Under the new set of Notes proposed for the “OU(Spa Resort Hotel)” zoning, all uses would be under Column 2 to facilitate appropriate planning control on the scale, mix of uses, disposition, design and even colour scheme of the development by the Town Planning Board. It would be similar to the control under the “Comprehensive Development Area” (“CDA”) zoning.

77. Mr. Kenneth To continued to say that the passive recreational nature of spa activities was compatible with the surrounding land uses in Ting Kok. The application site with suitable size and topography for a spa resort development and in proximity to existing and potential tourist attractions was limited in Hong Kong. While the Ting Kok area had never been recognized as a major agricultural area, the proposed development would mean a better utilization of land resources and would enhance the environment as abandoned agricultural land would be replaced. Relevant Government departments had no adverse comments on the application. Local support from the TPRC was obtained. The applicant was currently liaising with the local Village Representatives to further explain the project.

78. In response to the three outstanding issues as detailed under the PlanD’s views in paragraph 10.1 of the Paper, Mr. Kenneth To made the following points :

- (a) a detailed tree survey of the whole application site was not feasible at this

stage as many mature trees were within the existing plant nursery who claimed that the trees were their commercial stock to be sold. Upon acquiring the land of the nursery, the applicant would negotiate with the operator with a view to maintaining the trees on site. However, the applicant was not in the position to make any undertaking at this stage. The tree issue would be addressed at the planning application stage;

- (b) except for the plant nursery, there had not been any active agricultural use on the site since 1992. The existing stream course to the west of the application site was too distant to channel water for irrigation purpose and the EPD would not tolerate any discharge of fertilizers and chemicals into Plover Cove and Tolo Harbour. While the AFCD did not favour the application, revival of agricultural activities in the area was unlikely; and
- (c) after discussion with the Urban Design and Landscape Section of the PlanD, the maximum building height was reduced from 7 storeys to 5 storeys. The roof level would then be the same as the platform of the Soka Gakkai Centre to the immediate north of the site. With the natural materials used on the façade and vertical greening, the proposed development would be well-integrated with the surroundings.

79. Mr. Kenneth To said that the proposal was an initiative by a Hong Kong operator and would generate over 300 jobs. It would offer a brand new experience of a spa resort hotel in Hong Kong to become an alternative destination to other South East Asian countries. The applicant had no intention to break up the development for sale. After reviewing the development intensity, the applicant considered that a minimum GFA of 30,000m² was adequate to sustain the hotel development, and the building height could be further reduced to 4 storeys. Upon obtaining the Committee's agreement to the current application, detailed design of the proposed hotel development would be subject to consideration of planning application under section 16 of the Town Planning Ordinance.

80. Mr. Frankie Cheng then concluded the applicant's presentation with the following main points :

- (a) the proposed villas would remain as part of the hotel development and would not be put up for sale;
- (b) there was in-principle support to the proposal from the TPRC, and negotiation with the local villagers was ongoing to address their objections;
- (c) the trees within the plant nursery were for sale and hence not included in the tree survey. Nevertheless, the proposed layout of the development had avoided mature trees. Once the applicant had obtained the land, the tenancy of the nursery would be terminated. At the same time, effort on negotiating with the nursery to buy the mature trees would continue. However, the Committee was requested not to include an approval requirement to retain those trees to avoiding unreasonably high price being asked by the land owners;
- (d) C for Tourism supported the application and there was no objection from other concerned Government departments. Although AFCD did not favour application, it raised no objection. Under EPD's clear message to protect the ecological environment of Plover Cove and Tolo Harbour, the application site was not suitable for agricultural use;
- (e) although the PlanD raised objection from urban design and landscape point of view, there was no objection to a well-designed spa hotel at the application site. The proposed use was acceptable in principle to Government departments. In order to address the issue of development intensity and building height, the applicant was prepared to further reduce the total GFA to 30,000m² and to a maximum building height of 4 storeys.

[Professors Peter R. Hills and Nora F.Y. Tam left the meeting at this point.]

81. In response to a Member's enquiry, Mr. W.K. Hui, DPO/STN, said that the applicant had only consulted the TPRC on the proposal. Other views were received as public comments or local views through the District Officer. It was the applicant's decision not to consult the Tai Po District Council on the proposed development.

82. The Chairperson and Members then raised the following questions to the applicant's representatives :

- (a) how the proposed scheme would be implemented given that the applicant did not own all the land within the application site;
- (b) how the third party private lots would be accessed;
- (c) if the application site was to be rezoned as proposed, how the applicant would prevent other private land owners to submit their own redevelopment schemes in accordance with the proposed Notes under section 16 of the Town Planning Ordinance; and
- (d) would it be fair to the third party owners if they were not allowed to enjoy the same development potential granted on the whole site;
- (e) whether the applicant was prepared to further lower the building height of the proposed development.

83. In response, Mr. M.Y. Wan made the following main points :

- (a) it was the applicant's intention to acquire as much land as possible within the application site. It was foreseen that the applicant could at least acquire 50% more of the remaining private lots. If the application was agreed by the Committee at this meeting, higher prices would be offered to the other land owners;
- (b) nonetheless, the proposal could be implemented solely on the applicant's land. The layout plan was strategically designed so that the third party land would remain undisturbed and buffer areas would be reserved between the hotel development and other private lots. A minimum GFA of 30,000m² was the critical mass for the operation of the proposed development. Even if more land was acquired, the applicant had no

intention to increase the GFA of the scheme and massing of the building blocks. Further acquired land would become open space;

- (c) it was ensured that access to the third party land would be maintained;
- (d) the intention of a new “OU(Spa Resort Hotel)” zoning was to ensure that the area would be developed comprehensively. According to the proposed Notes, all uses were under Column 2 and the Town Planning Board could consider requiring any development to submit a master layout plan for consideration, similar to the requirement of the “CDA” zone. Other pieces of land owned by the third party were scattered and these owners would not be able to work out a meaningful comprehensive scheme. Moreover, residential use was not included in the proposed Notes and there would not be provision for other owners to submit proposals for residential development; and
- (e) it was confirmed that with the minimum critical mass of 30,000m² GFA, the applicant was prepared to further lower the maximum building height from 5 storeys to 4 storeys.

84. As the applicant’s representatives had no further points to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee’s decision in due course. The Chairperson thanked the applicant’s representatives and PlanD’s representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

85. Members had a detailed discussion and the points raised were summarized as follows :

- (a) the proposed spa resort hotel was a type of tourist attraction for Hong Kong and it might bring economic benefits. There was no in-principle objection

to the resort-type use in the area;

- (b) however, the proposal was considered immature at this stage as the applicant would still need to address various outstanding issues including land ownership and implementation aspect, and wider consultation with Tai Po District Council. As the applicant only owned some 70% of the land within the application site, the proposed scheme could create piecemeal development pockets and there might be implementation problems. Moreover, if the application site was rezoned as proposed, it would be difficult to deal with applications submitted by other third party land owners for redevelopment in accordance with the new zoning and development intensities. The interface and equity issues had to be addressed at the outset;

- (c) the applicant's consultation effort regarding the proposal was considered inadequate. While the TPRC offered in-principle support to the application, the Tai Po District Council should also be consulted. The applicant should also spend more effort to resolve the local objections.

86. For Members' information, the Secretary said that the existing development within the site zoned "Government, Institution or Community" to the immediate north of the application site had a total GFA of about 5252.4m² at a PR of about 0.12. The maximum height of the existing structure there was 12m (2 storeys). Noting the information and considering the general compatibility of the proposed development with the surrounding, Members considered that there might be scope for reduction in the proposed scale, intensity and building height of the proposed spa resort development.

87. A Member said that a proposal for an artificial beach along the coast in the area was being formulated. A review of the land use for Ting Kok area might be useful to examine the possibility of developing a comprehensive tourism node there. Another Member concurred with this view in general but pointed out that the environmental impact assessment on the artificial beach had not yet been completed to confirm the environmental acceptability of the proposal. The Chairperson said that both the spa hotel and beach proposals were still preliminary at this stage and any review should only be undertaken at a

later stage.

88. The Chairperson then concluded that while the Committee had no in-principle objection to the proposed use in the area, there were various outstanding issues including the scale, intensity, site coverage, and height of the proposed development, land assembly and implementation problems, and local consultation. Unless and until these issues had been adequately addressed by the applicant, it would be premature to endorse the rezoning proposal. Members agreed.

89. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the “Agriculture” and “Green Belt” zonings on the Ting Kok Outline Zoning Plan for the site was still considered appropriate, having regard to the existing rural setting and active agricultural use of the plant nursery;
- (b) the proposed development, with unacquired private lots scattered throughout the whole site, had not addressed the interfacing issue with the remaining land and would not be sufficiently comprehensive resulting in implementation problems;
- (c) the scale, intensity, site coverage and height of the proposed development were considered excessive for the area which was mainly consisted of village type development; and
- (d) there was insufficient information in the submission to demonstrate that the proposed development would have no adverse landscape impact on the surrounding environment.

90. The Committee also agreed to advise the applicant to consult the Tai Po District Council on the proposal and resolve local objections to the scheme.

[Mr. Michael K.C. Lai left the meeting, while Messrs. Mr. B.W. Chan and H.M. Wong left the meeting temporarily at this point.]

[Mr. W.K. Hui, District Planning Officer/Sha Tin, Tai Po and North (DPO/STN), and Mr. W.W. Chan, Senior Town Planner/ Sha Tin, Tai Po and North (STP/STN) invited to the meeting at this point]

[Open Meeting (Presentation and Question Session only)]

- (ii) Y/NE-LYT/3 Application for Amendment to the Draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/11 from “Agriculture” and “Village Type Development” to “Government, Institution or Community”, Lots 738, 740, 741, 742, 743 and 744 in DD 83, Near Fu Tei Pai, Fanling
(RNTPC Paper No. Y/NE-LYT/3)
-

91. The Secretary said that reasonable notice had been given to the applicant, but the applicant had indicated that he would not attend or be represented at the hearing. Members agreed to proceed with the hearing in the absence of the applicant. The Chairperson then invited the Planning Department (PlanD)’s representatives to brief Members on the background to the application.

Presentation and Question Session

92. Mr. W.W. Chan, STP/STN, said that the application involved a proposal to rezone the application site from “Agriculture” and “Village Type Development” (“V”) to “Government, Institution or Community” on the Lung Yuek Tau and Kwan Tei South Outline Zoning Plan (OZP) for the development of a residential care home for the elderly (RCHE). He covered the following main aspects as detailed in the Paper :

- (a) the applicant had not submitted any indicative development scheme for the application;
- (b) the applicant’s justifications in support of the application were detailed in paragraph 2 of the Paper. The applicant considered that the existing provision of RCHE places in the North District could not meet the local

demand and the proposed development would have minimal effect on the “V” zone. Also, there would not be adverse traffic, drainage and environmental impacts;

- (c) departmental comments were detailed in paragraph 8 of the Paper. The Lands Department considered that the land within the “V” zone should be reserved for Small House development and be excluded from the rezoning application. The Transport Department (TD) had reservation on the application as there was no information submitted by the applicant on traffic generation as well as parking and loading/unloading arrangements. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone, resulting in adverse cumulative traffic impact. Moreover, the Environmental Protection Department (EPD) did not support the application as the application site was not served by any sewerage system and there was no information submitted to address the sewerage problem. The Agriculture, Fisheries and Conservation Department (AFCD) did not favour the application as the application site had high potential for agricultural rehabilitation;
- (d) seven public comments objecting to the application were received during the statutory publication period. The major grounds of objection included land use incompatibility, and adverse traffic, landscape, drainage, sewerage and environmental impacts. Two local objections were also received by the District Officer expressing that the scale of development was unknown and compatibility was questionable; and
- (e) the PlanD’s views – the PlanD did not support the application for the reasons detailed in paragraph 10.1 of the Paper. The application site fell almost entirely within the “AGR” zone with active farmland, village houses and woodland. The proposal was piecemeal and there was no information on how the lack of infrastructural support and road access problem to the application site could be addressed. Moreover, no impact assessment on landscape aspect was submitted. Social welfare facilities should preferably be developed within “Government, Institution or Community”

zones. Possible impacts of the nearby industrial developments on the proposed development were not addressed. Other concerned Government departments, including the EPD, TD and AFCD, did not support or favour the application.

93. In response to the Chairperson's enquiry, Mr. W.K. Hui, DPO/STN, said that there was no information in the submission concerning the vehicular access to the application site which was situated amongst agricultural land and residential developments.

94. The Chairperson thanked PlanD's representatives and they left the meeting at this point.

Deliberation Session

95. The Chairperson said that there was insufficient information in the application, including the impacts of the development, details of vehicular access to the application site and how the lack of basic infrastructure in the area could be resolved.

96. After deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the application site fell almost entirely within "Agriculture" zone with active farmland, village houses and woodland in the neighbourhood. There were no submission of the scale of development and demonstration on the impact on the neighbourhood setting. The site also had a high potential for agricultural rehabilitation;
- (b) the proposed development would not be compatible with the existing landscape character and would impose significant landscape damages to the area. There was no impact assessment on the landscape aspect;
- (c) the site fell outside an established built-up area and the proposed development was significantly in lack of infrastructural support, including drainage and sewerage provisions. There was no information submitted

on traffic generation as well as parking and loading/unloading arrangements. There were also concerns on the possible adverse environmental impacts caused by the proposed development; and

- (d) approval of the proposed development would set an undesirable precedent for similar applications in the future.

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Mr. W.W. Chan, Senior Town Planner/ Shan Tin, Tai Po and North (STP/STN) were invited to the meeting at this point.]

[Messrs. B.W. Chan and H.M. Wong returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (iii) Y/ST/2 Application for Amendment to the Draft Shan Tin Outline Zoning Plan No. S/ST/21 from “Open Space” to “Village Type Development”, Tsang Tai Uk Recreational Ground (Part) and Adjoining Government Land, Sha Kok Street, Shan Tin (RNTPC Paper No. Y/ST/2)
-

97. The Secretary said that reasonable notice had been given to the applicant, but no response was received on whether he would attend the hearing. Members agreed to proceed with the hearing in the absence of the applicant. The Chairperson then invited the Planning Department (PlanD)’s representatives to brief Members on the background to the application.

Presentation and Question Session

98. Mr. W.W. Chan, STP/STN, said that the application involved a proposal to rezone the application site from “Open Space” to “Village Type Development” (“V”) on the Shan Tin Outline Zoning Plan (OZP) for a Small House development. He covered the following main aspects as detailed in the Paper :

- (a) the applicant’s justifications in support of the application were detailed in paragraph 2 of the Paper, mainly that the applicant was an indigenous

villager of Tsang Tai Uk (Sha Ha Wai) and had submitted an application for Small House development to the Government in 1973;

- (b) departmental comments were detailed in paragraph 8 of the Paper. The Leisure and Cultural Services Department (LCSD) raised strong objection to the application as the application site had been granted to the LCSD for the Tsang Tai Uk Recreation Ground. The proposed development would destruct the existing aesthetic green environment and result in management problem and conflicts with the users of the recreational facilities. The Environmental Protection Department (EPD) did not support the application as the application site was in close proximity to Sha Kok Street and excessive traffic noise on the proposed Small House development was expected. The Transport Department (TD) had reservation on the application as there was no proper access or emergency vehicular access to the application site. The Drainage Services Department (DSD) had reservation on the application and advised that the existing drainage reserve running across the application site should be reserved as non-building area;
- (c) no public comment was received during the statutory publication period. However, two local objections were received by the District Officer on the grounds that the application site was too small for Small House development, undesirable precedent and incompatibility with the surroundings. The Lands Department also received one comment objecting to the application on reduction in size of the existing public playground and that the site was too noisy for residential use; and
- (d) the PlanD's views – the PlanD did not support the application for the reasons detailed in paragraph 10.1 of the Paper. The application site formed part of the existing Tsang Tai Uk Recreation Ground which was a district open space serving the Sha Tin New Town. The proposed development would lead to a loss of public open space. The application site also fell outside the 'village environs' ('VE') of Tsang Tai Uk (Shan Ha Wai). Although land within the "V" zone of the village could not fully meet the demand, Small House developments should concentrate within the

Village Expansion Area within the “V” zone. The proposed development would result in adverse landscape impacts, causing a loss of significant trees and roadside amenity area. Concerned Government departments, including the LCSD, EPD, TD and DSD, did not support or had reservation on the application.

99. Members had no question on the application.

Deliberation Session

100. After deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the rezoning proposal would have adverse impacts on the Tsang Tai Uk Recreational Ground which was a district open space serving the Sha Tin New Town in terms of reduction in area, loss of trees and buffer, management problem and inconvenience to users of the playground;
- (b) although the land available within the “Village Type Development” (“V”) zone of Tsang Tai Uk Village (Shan Ha Wai) could not fully meet the future Small House demand, development of Small Houses should be concentrated at the Village Expansion Area within the “V” zone and the land currently available within the “V” zone should be used first;
- (c) the application site was outside the ‘village environs’ of any recognized villages;
- (d) there was insufficient information in the submission to demonstrate that there was adequate provision of vehicular access and emergency vehicular access connecting to the application site, and that the proposed Small House development would not have adverse traffic impacts on Sha Kok Street and the nearby road and junctions;
- (e) there was insufficient information in the submission to demonstrate that the

proposed village type development would not be exposed to road traffic noise; and

- (f) the approval of the rezoning proposal would set an undesirable precedent for other similar rezoning applications in the area. The cumulative effect of approving such proposals would result in loss of both district and local open spaces.

101. The Committee also agreed to advise the applicant that the Small House supply and demand situation of Tsang Tai Uk Village would be closely monitored.

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

- (i) A/NE-LYT/345 Temporary Retail Shop and Storage of Building Materials for a Period of 3 Years in “Village Type Development” and “Agriculture” zones, Lot 579RP(Part) and 580RP in DD 83 and Adjoining Government Land, Kwan Tei, Fanling (RNTPC Paper No. A/NE-LYT/345)
-

Presentation and Question Session

102. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary retail shop and storage of building materials for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there had been 6

environmental complaints on air and noise aspects of the operation of the shop in the past year. The open storage use at the application site would likely give rise to environmental nuisance. No objection from other concerned Government departments was received;

- (d) no public comment was received during the statutory publication period. The District Officer/North received two local views indicating no adverse comments on the application, but one stated that the applied use should adopt preventive measures to avoid blocking the adjacent river channel; and
- (e) the Planning Department (PlanD)'s views – the PlanD considered that the application could be tolerated for a period of 3 years for the reasons detailed in the Paper. Sympathetic consideration of the application would be given as previous approvals of the same use to the same applicant had been granted and there had been no change in circumstances. The applied use would unlikely cause significant adverse traffic, drainage and landscape impacts. In order to address EPD's concerns, the operation hours of the applied use would be restricted from 7:00a.m. to 11:00p.m.. The applicant would also be advised to follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (Code of Practice).

103. In response to the Chairperson's enquiry, Mr. W.K. Hui, DPO/STN, said that the retail shop was used for selling of building materials and the operation hours were recommended in accordance with EPD's Code of Practice.

Deliberation Session

104. The Chairperson remarked that in view of the EPD's concern on possible environmental nuisance, it would be more appropriate to restrict the operation hours from 7:00a.m to 9:00p.m.. Members agreed.

105. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 1.12.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setback of the eastern boundary of the site to provide clearance of 3.5m from the crest of the Kwan Tei River embankment to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) no night-time operation between 9:00p.m. and 7:00a.m. was allowed on the application site during the planning approval period;
- (c) the submission of the tree preservation and landscaping proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB 1.3.2007;
- (d) in relation to (c) above, the implementation of the landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.6.2007;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2007;
- (f) in relation to (e) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.6.2007;
- (g) if any of the above planning condition (a) or (b) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) if any of the above planning conditions (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

106. The Committee also agreed to advise the applicant to :

- (a) note that shorter compliance periods were granted to monitor the fulfilment of approval conditions;
- (b) implement the environmental measures recommended in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimize any possible environmental nuisance; and
- (c) note Chief Engineer/Development (2), Water Supplies Department’s comments that :
 - (i) an existing fresh water main slightly conflicted with the northern boundary of the site. The applicant was advised to adjust the northern boundary to avoid encroachment of the water main; and
 - (ii) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/NE-TKL/291 Temporary Open Storage of Metals and Tools and Containers (for Office and Storage of Tools) for a Period of 3 Years in “Agriculture” zone, Lot 1403RP(Part) in DD 77, Ping Che (RNTPC Paper No. A/NE-TKL/291)
-

Presentation and Question Session

107. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the applied temporary open storage of metals and tools and containers (for office and tool storage) for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisances from the applied use were expected. No objection from other concerned Government departments was received;
- (d) two public comments indicating no comment on the application were received during the statutory publication periods of the application and further information; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper. The application complied with the Town Planning Board Guidelines for Application for Open Storages and Port Back-up Uses in that previous planning approvals for the same use had been granted on the application site and the approval conditions had been complied with. There had been no change in circumstances to warrant a different consideration. It would unlikely have adverse traffic, drainage and landscape impacts on the surrounding areas and no local objection was received. In order to address the EPD's concern, appropriate approval conditions limiting the operation hours and prohibiting medium/heavy vehicles to access the site were recommended.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.12.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. should be carried out at the application site during the planning approval period;
- (b) no medium/heavy goods vehicles should be allowed to access the application site during the planning approval period;
- (c) the peripheral fencing and paving of the site should be maintained during the planning approval period;
- (d) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.6.2007;
- (e) in relation to (d) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.9.2007;
- (f) the submission of proposals for access, car parking and loading/unloading spaces within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.6.2007;
- (g) in relation to (f) above, the implementation of proposals for access, car parking and loading/unloading spaces within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.9.2007;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) and (g) was not complied with by the specified date, the approval hereby given should

cease to have effect and should on the same date be revoked without further notice; and

- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

110. The Committee also agreed to advise the applicant :

- (a) that relevant mitigation measures specified in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' published by the Environmental Protection Department should be adopted to minimize any possible environmental impacts;
- (b) that the lot owner was required to apply to District Lands Office/North, Lands Department for a Short Term Wavier for the regularization of the structures erected on the application site; and
- (c) to note Chief Engineer/Development(2), Water Supplies Department's comments that:
 - (i) the application site was located within the flooding pumping catchment area associated with River Indus and River Ganges pumping stations; and
 - (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow.

Agenda Item 7

Section 16A Application

[Open Meeting (Presentation and Question Session only)]

A/TP/307-1 Extension of Time for Commencement of the
Approved Five New Territories Exempted Houses (NTEHs)
under Application No. A/TP/307
for a Period of 4 Years until 13.12.2010
in “Green Belt” zone, Lots 364A1, 364A2, 364B1-364B4,
963B and 963D-963G in DD 22, Lai Chi Shan Village, Tai Po
(RNTPC Paper No. A/TP/307-1)

Presentation and Question Session

111. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the extension of time (EOT) for commencement of the approved five New Territories Exempted Houses (NTEHs) applied for;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) local views were received by the District Officer objecting to the application on the grounds of adverse impact on landscape and fire safety; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 8.1 of the Paper. The Lands Department (LandsD) had no adverse comment on the EOT application. Although none of the approval conditions had been complied with, it was understood that the applicants were not in the position to fulfil such conditions at this stage. The EOT would allow more time for the

applicants to complete the required land administrative procedures. In order to address the local concerns, appropriate approval conditions on landscape and fire safety were recommended.

112. Members had no question on the application.

Deliberation Session

113. Ms. Eugina Fok pointed out that the application site was currently owned by a company instead of the five applicants. In response, Mr. W.K. Hui, DPO/STN, said that the application site was currently owned by Rockent Development Limited. However, the LandsD had no adverse comment on the EOT application provided that the applicants were indigenous villagers of the recognized villages at the time of applying for Small House development. The Chairperson added that the Committee should focus on the land use planning considerations in determining planning applications. The granting of licence for Small House development was a matter of land administration.

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 4 years until 13.12.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

115. The Committee also agreed to advise the applicant :

- (a) that any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the

applicants wish to seek any further extension of time for commencement of the development, the applicants might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35A and 36 should be referred for details;

- (b) to assess the need to extend their inside services to the nearest Government water mains for connection and to sort out the land matters related to the main laying in the private lots;
- (c) that there were some low voltage overhead lines in the vicinity of the application site. The applicants and their contractors should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the overhead lines;
- (d) for the development of Small Houses, concessionary grants from the Land Authority under the Small House Policy would be required and that such grants would only be given to indigenous villagers; and
- (e) that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and W.W. Chan, STP/STN, for their attendance to answer Members’ enquiries. Messrs. Hui and Chan left the meeting at this point.]

Agenda Item 8

Any Other Business

116. There being no other business, the meeting was closed at 5:25 p.m..